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Schellpeper, I'm sorry. Mr. Clerk.

CLERK: Madam President, excuse me, Senator Will would move to amend the Schellpeper amendment. (The Will amendment appears on page 657 of the Legislative Journal.)

PRESIDENT MOUL: Senator Will.

SENATOR WILL: Thank you, Madam President, and members of the body, I filed an amendment to the Schellpeper amendment that I think probably more accurately reflects the current state of law. What my amendment would do is to strike the first sentence of the Schellpeper amendment and replace it with a sentence that says, assumption of risk is an affirmative defense. My amendment would go on to say, in line 6 of the Schellpeper amendment, where it states that the person knew of and understood the danger, my amendment would say that that would have to be a specific danger and would go on to say in the second condition in the Schellpeper amendment that the person not only voluntarily but unreasonably and voluntarily exposed himself or herself to the danger. It's my understanding that this more accurately reflects current instructions to juries and also my amendment...I think there is some question in the Schellpeper amendment as to whether the burden of proof is on the defendant or the plaintiff. My amendment would state that the assumption of risk is an affirmative defense but the burden of proof is on the defendant to prove that. With that, I would give the rest of my time to Senator Ashford.

PRESIDENT MOUL: Senator Ashford.

SENATOR ASHFORD: Thank you, Madam President, Senator Will and Senator Schellpeper. Senator Schellpeper. Senator Schellpeper, would you answer a question? Have you had an opportunity...would you just answer a question?

SENATOR SCHELLPEPER: Yes, I would be glad to.

SENATOR ASHFORD: Is it your intent to just put the current law of assumption of risk into the statute? Is that what you're...

SENATOR SCHELLPEPER: That's right. That's right.

SENATOR ASHFORD: All right. Thank you, Senator Schellpeper. I have no problem with what Senator Schellpeper is doing, that is